

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
)	
Request for Waiver by)	Request for Relief
Oakland Unified School District)	
Billed Entity No. 144227)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Form 471#827060, FRN 2292908
Form 471# 880351, FRN 2531320

Request for Waiver of the Commission’s Invoice Deadline Rule

The Oakland Unified School District (“District”) requests waiver of rules set forth by the Federal Communications Commission (“Commission”). This request is seeking waiver to 54.514(a) of the Commission’s rules.¹ The District seeks waiver of Commission’s requirement that invoice extension requests be filed prior to the invoicing deadline. This extension seeks to include additional invoicing that was unknowingly excluded from the previously timely submitted invoices for Fund Years 2012/2013 and 2013/2014. This excluded invoicing consists of a previously omitted billed telephone number (“BTN”) that had been properly approved and eligible for discount as confirmed and certified by the District and service provider. For the reasons stated herein, the District’s request for waiver meets the standard for extraordinary circumstances that warrants that the Commission grant waiver and permit the District to submit invoicing inclusive of the BTN subsequent to the initial deadline.

¹ 47 C.F.R. 54.514(a)

Background

In 2012, the District (under an existing On-Premise Priority One Wide Area Network contract with AT&T) opted to pursue an allowable upgrade for many of its circuits, with those upgraded services slated to begin on July 1, 2012. Initial E-Rate funding for the 2012/2013 application (and associated funding request) was not approved until May 2013 (14 months after application submission and just six weeks' shy of the end of the 2012/2013 funding year). Funding approval for the 2013/2014 funding year (and the associated funding request) was also received quite early in the funding year (October 2013). These unusually condensed timelines created a circumstance of timing whereby submission of service provider invoice documentation for 2012/2013 was submitted very late and documentation for 2013/2014 was submitted relatively early in the funding year. Transition to the upgraded services involved not only the physical transition of circuits throughout the District's 100+ sites; it also involved a billing/invoicing transition requiring the assignment of new circuit numbers, BTNs, and working telephone numbers. The resulting invoice was staggeringly large, and the timing of the receipt of the FCDLs and submission of the subsequent service provider-required documentation played heavily into the circumstances that led to the unknowing omission of this single BTN for the two consecutive funding years.

Additionally, on or about January 8, 2013, the District's administrative building flooded, which resulted in the complete displacement and relocation of administrative staff into several different sites throughout the District in an attempt to continue operations as effectively as possible. Unfortunately, the result was that daily operations were drastically disrupted. District files were displaced, and operations were moved to a temporary location for approximately ten (10) months following the incident. It was during this emergency relocation that the District

submitted invoice documentation for 2012/2013 and 2013/2014, submitted May 2013 and October 2013 respectively (the “Invoices”). As a result of the immense volume of invoicing for the two years of documentation and because of records not being readily available as a result of the flooding and relocation, the District unknowingly omitted the inclusion of a single BTN in both sets of documentation. Only recently, as the District’s services are becoming centralized again, was the missing BTN brought to the District’s attention. The District's recent discovery of the missing BTN is the basis for this waiver request.

Extraordinary Circumstances Warrant Waiver by the Commission

Based on the facts stated above, the District hereby seeks a waiver to the Commission’s invoicing deadline rule. We recognize that the Commission has a significant interest in efficient administration of the E-rate program, and that it is generally not in the public interest to waive the invoice deadline rules.² However, the Commission may exercise its discretion to waive a rule where the particular facts demonstrate both a special circumstance that warrants a deviation from the general rule and that such deviation is in the public’s interest.³ Further, extraordinary circumstances justify the filing of an invoice extension in excess of a year after the deadline.⁴

Here, the District submits that consideration for waiver is warranted because the single omitted BTN comes amid substantial unexpected disruption of service at the District, wherein the District had otherwise timely submitted the Invoices. The District, in good faith, believed that the submission of the Invoices was inclusive of the omitted BTN. Notably, the District did not fail to meet the deadlines for the vast majority of the Invoices – but instead only seeks waiver in order to submit invoicing for the single omitted BTN. This is factually distinct from matters addressed by the Commission where entities failed to timely submit invoices entirely. This is an

² *E-rate Modernization Order*, 30 FCC Rcd at 8966, para. 240.

³ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁴ *Hancock County Library Order*, 30 FCC Rcd at 4726, para. 9.

extraordinary circumstance where the combination of a particularly complex set of invoices had been required on an expedited timeline during a stressful emergency transition of facilities due to flooding.

Conclusion

Due to the extraordinary circumstances that resulted in omission of certain invoicing, the Oakland Unified School District respectfully requests that the Commission waive the rules as they are set regarding the deadline to submit an invoice to the USAC, in order for the District to submit a revised invoice that includes the omitted BTN.

Respectfully submitted,

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